

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS – WESTERN DIVISION

C.A. NO: 08-CV-30184-MAP

Cecil Brace, Administrator )  
of the Estate of Cynthia Brace, )  
Plaintiff )  
v. )  
Commonwealth of Massachusetts, )  
Defendant )

**PLAINTIFF'S MOTION TO REMAND CASE TO STATE COURT**  
**(with incorporated memorandum of law)**

Now comes the Plaintiff and moves that his Honorable Court remand this case to the Massachusetts State Trial Court, Superior Court Department, Hampden County on the grounds and for the reasons set forth hereinafter.

Procedural History

This case was originally filed in the Hampden County Superior Court, Trial Court of the Commonwealth of Massachusetts, but was removed to the Federal District Court by the defendants based on the federal civil rights claims made in the Complaint. During the pendency of the case, counts against individual defendants Linda Goodman, Jennifer Belle-Isle, and Rebecca Frey were voluntarily dismissed.

Thereafter, defendants filed a motion for summary judgment on the remaining claims, including claims against the Commonwealth of Massachusetts, and two individual defendants, Steven Gobeille and Jennifer Kane. Arguments

DEVELOPED. Given the delays already incurred, remand would be unfair to Defendants. To accommodate Plaintiff's counsel, the trial is set for May 7, 2012. Counsel will appear for a status conference on March 22, 2012 at 3p.m. So ordered. Michael D. Donovan 03/05/12 1:25:12